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Student sues Citrus College District over free speech restrictions

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Citrus College student Vincenzo Sinapi-Riddle is photographed on campus in Glendora on Monday, June 30, 2014. (Christina House / For The Times)

Initiative is aimed at eliminating speech codes and other policies restricting expression on public campuses. A report found that 58% of 427 major colleges and universities surveyed maintained restrictive speech codes.

Vincenzo Sinapi-Riddle is a passionate libertarian who was thrilled to attend Citrus College in Glendora for what he imagined would be a quintessential college experience of unbridled debate.

But after he arrived last year, he learned that the college required all petitioning, pamphleting and other expressive activities be confined to a small "free speech area" on the campus quad. And when he launched his first petition effort last fall, he said — against spying by the National Security Agency — an administrator told him he was outside the designated zone and warned that he could be ejected from campus.

It was shocking to me that there could be so much hostility about me talking to another student ... about government spying. My vision of college was to express what I think.- Vincenzo Sinapi-Riddle, Citrus College student

"It was shocking to me that there could be so much hostility about me talking to another student peacefully about government spying," said Sinapi-Riddle, 20. "My vision of college was to express what I think."

On Tuesday, he filed [a lawsuit](#) against the Citrus Community College District, joining students in Iowa, Ohio and Illinois in what is thought to be the first coordinated legal attack on free speech restrictions in higher education.

The initiative is aimed at eliminating speech codes and other policies that restrict expression on public campuses. It is sponsored by the Foundation for Individual Rights in Education, a Philadelphia-based group that promotes free speech and due process rights at colleges and universities.

In his lawsuit, Sinapi-Riddle is challenging Citrus' free-speech area as well as an anti-harassment policy that he argued is overly broad and a multi-step process for approving student group events. The college was sued over its free speech zones in 2003 and eliminated them after a legal settlement a year later. But last year, college trustees "readopted in essence the unconstitutional policy it abandoned," Sinapi-Riddle's complaint said.

Citrus officials were not available Tuesday for comment.

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But communications Director Paula Green did email copies of the college's free speech policy, which declares that the campus is a "non-public forum" except where otherwise designated in order to "prevent the substantial disruption of the orderly operation of the college." The policy instructs the college to enact procedures that "reasonably regulate" free expression.

Ken Paulson, president of the Nashville-based First Amendment Center and a Middle Tennessee State University dean, hailed the legal campaign as "right on the money and long overdue." He said public colleges had to balance the right of free speech with the need for campus safety and order, but that any restrictions must "spell out exactly what speech and conditions are being addressed."

"The onus is on universities to demonstrate why principles in place for all citizens for more than two centuries are not applicable in their corner of the world," he said.

In a report published this year, the Foundation for Individual Rights in Education found that 58% of 427 major colleges and universities surveyed maintained restrictive speech codes despite what Senior Vice President Robert Shibley called a "virtually unbroken string of legal defeats" dating to 1989.

Even in California — unique in the nation for two state laws that explicitly bar free speech restrictions at public and private universities — the majority of campuses retain written speech codes, he said. Among 23 California State University campuses surveyed by the group, 12 were rated "red" for employing at least one policy that "clearly and substantially restricts" free speech.

Universities are scared of people who demand censorship — they're afraid of lawsuits and PR problems.- Robert Shibley, Foundation for Individual Rights in Education

Cal State L.A., for instance, was cited for barring electronic communications that would "offend" others, a policy the foundation said could bar speech protected by the 1st Amendment. Cal State Long Beach improved its rating from red to yellow last year after revising a loosely worded harassment policy to more specifically prohibit "sufficiently severe, persistent or pervasive" behavior that could be considered offensive by a reasonable person.

"Universities are scared of people who demand censorship — they're afraid of lawsuits and PR problems," Shibley said. "Unfortunately, they are more worried about that than about ignoring their 1st Amendment responsibilities."

The foundation intends to target campuses in each of four federal court circuits; after each ruling disposes of a case, the foundation will file another, Shibley said.